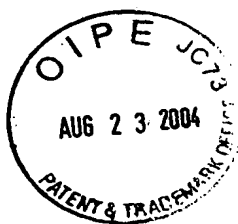


DAC/jw

PATENT
29618/38939



IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant: EBY, ET AL.

Serial No.: 10/626,080

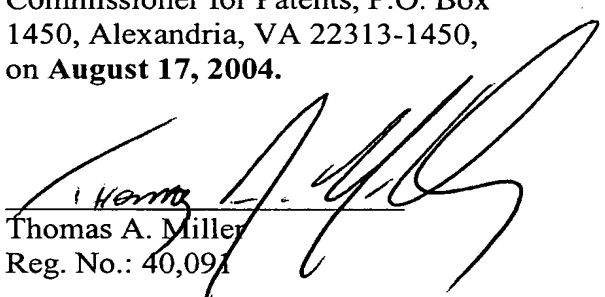
Filed: JULY 24, 2003

Title: DESKTOP FILING SYSTEM

Group Art Unit: NOT YET ASSIGNED

Examiner: NOT YET ASSIGNED

) I hereby certify that this paper is
) being deposited with the United
) States Postal Service as first class
) mail, postage prepaid, in an envelope
) addressed to: Mail Stop Petitions,
) Commissioner for Patents, P.O. Box
) 1450, Alexandria, VA 22313-1450,
) on August 17, 2004.


Thomas A. Miller
Reg. No.: 40,091

**RESPONSE TO DECISION ON
PETITION UNDER 37 C.F.R. §1.47(a)**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This response is filed in reply to a decision by the Office of Petitions refusing this application status under 37 C.F.R. §1.47(a), mailed on August 6, 2004.

Enclosed please find a declaration signed and dated by all inventors. By way of this filing, it is believed that the Petition is rendered moot. Applicants request that the declaration be accepted and this application proceed to substantive examination.

It is believed that no additional fee is due at this time. If there are any additional fees due, the Commissioner is directed to charge or debit Deposit Account No. 13-2855 under order number 29618/38939. Should any questions arise over the

form or substance of this reply, the office is encouraged to contact the undersigned attorney at the telephone number and address listed below.

Respectfully submitted for,

MARSHALL, GERSTEIN & BORUN LLP

August 17, 2004

By: 

Thomas A. Miller

Reg. No.: 40,091

6300 Sears Tower

233 South Wacker Drive

Chicago, Illinois 60606-6402

(312) 474-6300



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DESKTOP FILING SYSTEM

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no such foreign applications have been filed

☐ such foreign application have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing (dd/mm/yyyy)	Priority Claimed Under 35 USC 119
			___ Yes No ___
			___ Yes No ___
			___ Yes No ___

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing (dd/mm/yyyy)

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☒ no such U.S. provisional applications have been filed.

☐ such U.S. provisional application have been filed as follows:

Application Number	Date of Filing (dd/mm/yyyy)	Priority Claimed Under 35 USC 119
		___ Yes No ___
		___ Yes No ___
		___ Yes No ___

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal

Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☒ no such U.S./PCT applications have been filed.

☐ such U.S./PCT application have been filed as follows:

Application Number	Date of Filing (dd/mm/yyyy)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

John B. Lungmus	18,566	Jeffrey S. Sharp	31,879	Joseph A. Williams, Jr.	38,659
Allen H. Gerstein	22,218	Martin J. Hirsch	32,237	Paul C. Craane	38,851
Nate F. Scarpelli	22,320	Richard M. LaBarge	32,254	Bryan J. Lempia	39,746
Michael F. Borun	25,447	James J. Napoli	32,361	David C. Read	39,811
Carl E. Moore, Jr.	26,487	Robert M. Gerstein	34,824	Thomas A. Miller	40,091
Richard H. Anderson	26,526	Michael R. Hull	35,902	William K. Merkel	40,725
Patrick D. Ertel	26,877	Anthony G. Sitko	36,278	Scott E. Baxendale	41,605
Richard B. Hoffman	26,910	Roger A. Heppermann	37,641	Brent E. Matthias	41,974
James P. Zeller	28,491	David A. Gass	38,153	Sandip H. Patel	43,848
Thomas I. Ross	29,275	Gregory C. Mayer	38,238	Kevin M. Flowers	44,684
Kevin D. Hogg	31,839	Michael R. Weiner	38,359	William J. Kramer	46,229

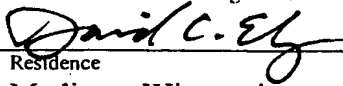
all of **MARSHALL, GERSTEIN & BORUN**, 233 S. Wacker Drive, Suite 6300, Sears Tower, Chicago, Illinois 60606-6357, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

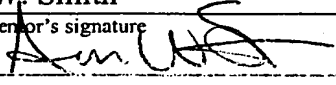
Please mail all correspondence to James P. Zeller, whose address is:

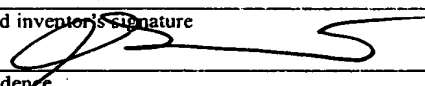
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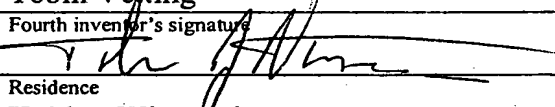
Please direct telephone calls to: James P. Zeller at (312) 474-6603.

Please direct facsimiles to: (312) 474-0448

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Sole or first inventor's signature 	Date 1/19/04
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Third inventor's signature 	Date 3/18/04
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Full name of fourth inventor, if any Tobin Vetting	
Fourth inventor's signature 	Date 6/23/03
Residence Kohler, Wisconsin	
Citizenship US	
Mailing Address P.O. Box 116 Kohler, Wisconsin 53044	

Full name of fourth inventor, if any Gilius A. Gaska	
Fourth inventor's signature <i>Gilius A. Gaska</i>	Date 6.5.03
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